

REMARKS/ARGUMENTS

STATUS OF THE CLAIMS

Applicants have cancelled Claim 13, and thus, the rejection of Claim 13 is moot. Applicants respectfully request reconsideration of pending Claims 1, 4, 5, 9-11, and 15 in light of the following remarks.

CLAIM REJECTIONS – 35 U.S.C. § 112

Claims 1, 4, 5, 9-11, and 15 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. The Examiner also stated as follows:

Claim 1 states that the securing plate member 80 has an elliptical shape. This is not supported by the original specification. This is a new matter rejection.

Office Action mailed June 11, 2009, page 2.

Applicants respectfully traverse this rejection, because Claim 1 as amended in response to the previous Office Action is supported by the pending patent application as originally filed. Claim 1 was amended in response to the previous Office Action to specify “the securing plate member having an elliptical shape.”

The MPEP states that “information contained in any one of the specification, claims or drawings of the application as filed may be added to any other part of the application without introducing new matter.” *MPEP* 2163.06, first paragraph (emphasis added).

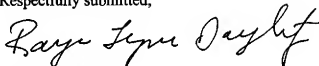
Applicants would like to draw the Examiner’s attention to Figure 3 of the pending patent application. Figure 3 was included in the pending patent application as originally filed on January 14, 2004. Figure 3 of the pending patent application clearly illustrates that the securing plate member 80 has an elliptical shape. Applicants respectfully submit that Figure 3 would reasonably convey to one skilled in the relevant art that the inventors at the time the application was filed, had possession of the subject matter of the securing plate member 80 having an elliptical shape.

As a result, the subject matter of the securing plate member having an elliptical shape was supported by the original specification and thus is not new matter. Therefore, Applicants respectfully request removal of the claim rejection under 35 U.S.C. § 112, first paragraph.

CONCLUSION

In light of the above, Applicants respectfully request reconsideration and allowance of pending Claims 1, 4, 5, 9-11, and 15.

Respectfully submitted,



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